

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY M. BOWER,

Plaintiff,

CIVIL NO.:

v.

NATIONAL ADMINISTRATIVE SERVICE
CO., LLC; AND AFFORDABLE AUTO
PROTECTION, LLC,

Defendants.

NOTICE TO PLAINTIFF

PLEASE TAKE NOTICE that on June 3, 2021, Defendants, National Administrative Service Co., LLC and Affordable Auto Protection, LLC, filed a Petition in the United States District Court for the Middle District of Pennsylvania for the removal of this action based upon federal question jurisdiction. A copy of said Petition for Removal is attached to this Notice and is hereby served upon you.

O'HAGAN MEYER, PLLC

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National Administrative Service Co., LLC and
Affordable Auto Protection, LLC

DATED: June 3, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY M. BOWER, Plaintiff, v. NATIONAL ADMINISTRATIVE SERVICE CO., LLC; AND AFFORDABLE AUTO PROTECTION, LLC, Defendants.	CIVIL NO.:
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PETITION FOR REMOVAL

Petitioners, National Administrative Service Co., LLC and Affordable Auto Protection, LLC (“Petitioners”), by and through their undersigned counsel, hereby petition this Honorable Court for removal pursuant to 28 U.S.C. § 1441, *et seq.*, as follows:

1. Plaintiff, Jeffrey M. Bower (“Plaintiff”), initiated this lawsuit on May 11, 2021, via Civil Complaint filed in the Court of Common Pleas of Centre County, Pennsylvania. Plaintiff’s Complaint is attached as *Exhibit A*.
2. Plaintiff ultimately served the Petitioners with original process on or about May 14, 2015.
3. Plaintiff’s Complaint sets forth three separate counts asserting claims arising under the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”) and its implementing regulations, 47 C.F.R. § 64.1200. See *Exhibit A*, ¶¶ 27-36, 39-51.
4. Plaintiff has also asserted three pendant state law claims under the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1, *et seq.*, and the Pennsylvania Telemarketer Registration Act, 73 P.S. § 2241, *et seq.* See

Exhibit A, ¶¶ 52-68.

5. The United States District Courts “have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

6. Thus, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

7. Plaintiff’s claims necessarily involve federal questions as they implicate the statutory provisions and remedies of the TCPA, a federal statute, and its regulations.

8. Further, the United States Supreme Court has expressly held that claims asserted under the TCPA arise under federal law and that federal courts retain subject matter jurisdiction over such claims. See *Mims v. Arrow Financial Services, LLC*, 565 U.S. 368, 386-87 (2012).

9. Moreover, the federal district courts have jurisdiction over pendant state law claims pursuant to 28 U.S.C. § 1337. See also, 28 U.S.C. § 1441(c).

10. This Petition for Removal is timely as it has been filed within thirty (30) days from the date of filing of Plaintiff’s Complaint. See 28 U.S.C. § 1446(b)(3).

11. Both of the Defendants are jointly represented by the undersigned counsel and join in this Petition for Removal.

WHEREFORE, Petitioners, National Administrative Service Co., LLC and Affordable Auto Protection, LLC, request that the present state court action be removed from the Centre County, Pennsylvania Court of Common Pleas to the United States District Court for the Middle District of Pennsylvania for proper and just determination.

Respectfully submitted,

O'HAGAN MEYER, PLLC

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Attorneys for Defendants,
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Affordable Auto Protection, LLC

DATED: June 3, 2021

CERTIFICATE OF SERVICE

I, Christopher C. Negrete, hereby certify that on the date set forth below, I did cause a true and correct copy of the foregoing Petition for Removal to be sent via email and First Class mail to the following:

Jeremy C. Jackson, Esquire
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/s/ Christopher C. Negrete

Christopher C. Negrete

Date: June 3, 2021